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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,215	12/18/2000	Eugene H. Carlson	55313USA6A.002	4346

32692 7590 03/26/2003

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EXAMINER

AHMAD, NASSER

ART UNIT	PAPER NUMBER
1772	9

DATE MAILED: 03/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

AS 9

Office Action Summary	Application No. 09/740,215	Applicant(s) Carlson et al.
	Examiner Nasser Ahmad	Art Unit 1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on Dec 26, 2002
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.
- Disposition of Claims**
- 4) Claim(s) 1-65 is/are pending in the application.
- 4a) Of the above, claim(s) 31-47, 53, 54, and 65 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-30, 48-52, and 55-64 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- 4) Interview Summary (PTO-413) Paper No(s). _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

1. Claims 1-4, 9-14, 22-28, 48-52 and 55-62 are rejected under 35 U.S.C. 102(b) as being anticipate by Bacon for reasons of record in Paper No. 5, paragraph No. 8, mailed June 19, 2002.

2. Claims 1-18, 21-22, 48-52 and 55-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bacon in view of Vesely for reasons of record in Paper No. 5, paragraph No. 10.

3. Claims 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bacon in view of Schultz for reasons of record in Paper No. 5, paragraph No. 11.

4. Applicant's arguments filed December 26, 2002 have been fully considered but they are not persuasive. Applicant argues that Bacon's discrete cube corner segments do not constitute a retro-reflective sheet. This is not found to be persuasive because Bacon clearly teaches retro-reflective sheet comprising discrete cube corner segments. As such these segments constitute a retro-reflective sheet.

Contrary to applicants' argument that Bacon's segments must be conformably bonded to each other, it should be noted that Bacon clearly states in the abstract; in col. 2, lines 58-61 and col. 3, lines 7-20, that the segments are conformably bonded together and not to each other. In fact, Bacon clearly recites in col. 3, and as acknowledged by the applicant, that the segments are separated by a gap of less than 1 (one) mm and bonded through a conformable carrier.

In response to applicant's third point of argument, it is found to be confusing to the examiner as to why would applicant argue that the retro-reflective sheet is not on an

elongate carrier, when Bacon's teaching of the retro-reflective arguments being on a conformable carrier is acknowledged by the applicant.

As for applicant's argument that Bacon in combination with Vesely does not render the claims unpatentable, the above discussed explanations apply a fortiori to the ground of argument.

Similarly, the above explanations would also apply a fortiori to the ground of argument regarding the combination of Bacon in view of Schultz.

Thus, in the absence of any evidence to the contrary, it remains the Examiner's position that instant claimed invention to anticipate or rendered obvious over the prior art of record discussed above.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. This application contains claims 31-47, 53-54 and 65 drawn to an invention non-elected without traverse in paper no. 7. A complete reply to the final

rejection must include cancellation of non-elected claims or other appropriate action (37 CFR 1.144) See MPEP 821.01.

7. Any inquiry concerning this communication from the examiner should be directed to Nasser Ahmad whose telephone number is (703) 308-4424. The examiner can generally be reached on Monday-Thursday from 7:30 a.m. to 5 p.m. and on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (703) 308-4251. The fax phone numbers for the organization where this application is assigned are (703) 872-9310 for regular communications and (703) 305-7115 for After Final communications.

Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is (703) 308-0661.

N. Ahmad/dh
March 26, 2003

Nasser Ahmad
NASSER AHMAD
PRIMARY EXAMINER